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2 *E-FILED 2/26/2008*
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7 NOT FOR CITATION
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES *ex rel.* DONNA M. No. C05-01962 HRL
12 McLEAN and THE STATE OF CALIFORNIA
13 *ex rel* DONNA M. McLEAN,

14 Plaintiffs,

v.

15 THE COUNTY OF SANTA CLARA, et al.,

16 Defendants.

**17 ORDER GRANTING RELATOR'S
MOTION TO PERMIT ATTORNEY TO
WITHDRAW**

[Re: Docket No. 114]

18 COUNTY OF SANTA CLARA,

19 Counter-claimant,

v.

20 DONNA M. McLEAN and DOES 1-100,

21 Counter-defendants.

22 /
23 On February 13, 2008, relator Donna McLean advised that the attorney-client
24 relationship with her counsel, Michael Millen, has broken down. She requested that Millen be
25 permitted to withdraw and that she be allowed to proceed *pro se* until she retained a new
26 attorney. The next day, attorney William Dresser substituted into the case as lead counsel for
27 McLean.

28 The Ninth Circuit recently held that relators may not proceed *pro se* on behalf of the

1 government in a False Claims Act case. *See United States ex rel Stoner v. Santa Clara County*
2 *Office of Education*, 502 F.3d 1116, 1126-27 (9th Cir. 2007) (“Because *qui tam* relators are not
3 prosecuting only their ‘own case’ but also representing the United States and binding it to any
4 adverse judgment the relators may obtain, we cannot interpret [28 U.S.C.] § 1654 as authorizing
5 *qui tam* relators to proceed *pro se* in FCA actions.”). Nevertheless, insofar as McLean has
6 already obtained new counsel who has substituted into the case, her request to permit Millen to
7 withdraw from this matter is granted.

8 IT IS SO ORDERED.

9 Dated: February 26, 2008

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12 HOWARD R. LLOYD
13 UNITED STATES MAGISTRATE JUDGE
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11 **Counsel are responsible for distributing copies of this document to co-counsel who have
not registered for e-filing under the court's CM/ECF program.**

12 **5:05-cv-1962 Notice will be delivered by other means to:**

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